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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,087	12/21/2001	Werner Pochmüller	10191/2132	8281
26646 7590 06/26/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER NGUYEN, JENNIFER T	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 06/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/026,087

Applicant(s)

POCHMULLER ET AL.

Examiner

JENNIFER T. NGUYEN

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) 6-10 is/are objected to.
- 8) ☒ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. This Office action is responsive to Amendment filed 01/14/2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich (Patent No.: US 6,275,231) in view of Knuth et al. (Patent No.: US 5,588,046).

Regarding claim 1, Obradovich teaches a device for receiving data via radio signals in a motor vehicle, comprising:

an input device (i.e., automobile control keys 211, operating keys 215, fig. 2);
a radio receiver (1111) for receiving data;
a processor (103, fig. 1) for processing the data;
a memory (107) (col. 3, line 63 to col. 4, line 6); and
a display (205, fig. 2) for displaying the processed data, wherein the input device, when operated once, in the event of a fault, puts the device in a state defined in the memory (col. 13, line 64 to col. 14, line 5), and

wherein the fault includes at least one of a failure of a service to respond, a failure in data reception, lack of device compatibility, a software fault, an operating system fault, and a memory fault (col. 13, lines 64-66).

Obradovich differs from claim 1 in that he does not specifically teach in the event of a fault, puts the device in a state defined in the memory for playing back the data.

Knuth teaches in the event of a fault, puts the device in a state defined in the memory for playing back the data (col. 4, lines 38-58 and col. 6, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the playing back the data as taught by Knuth in the system of Obradovich in order to recover the data and information which have been missed during the fault quickly and easily.

Regarding claim 2, Obradovich teaches the input device includes at least one pushbutton on the device (col. 4, lines 51-56).

Regarding claim 17, the combination of Obradovich and Knuth teaches the input device, when operated once, in the even of the fault, restarts the device (col. 4, lines 38-58 and col. 6, lines 55-67).

4. Claims 3-5, 11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich (Patent No.: US 6,275,231) in view of Knuth et al. (Patent No.: US 5,588,046) and further in view of Igbinadolor (Patent No.: US 6,779,196).

Regarding claim 3, the combination of Obradovich and Knuth differs from claim 3 in that it does not specifically teach the input device includes a remote control.

Igbinadolor teaches the input device includes a remote control (col. 3, lines 19-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the remote control as taught by Igbinadolor in the system of the combination of Obradovich and Knuth in order to manage the system in a different efficient manner.

Regarding claim 4, the combination of Obradovich, Knuth, and Igbinadolor teaches the input device includes a microphone (col. 2, lines 40-46 of Igbinadolor).

Regarding claim 5, the combination of Obradovich, Knuth, and Igbinadolor teaches the state leads to the display of selection options, one of which is to be selected (see fig. 4 of Igbinadolor, selection options from “tape”, “CD”, “Fax”).

Regarding claim 11, the combination of Obradovich, Knuth, and Igbinadolor teaches pushbutton causes various states of the device after operation for different periods of time (col.5, lines 3 -57).

Regarding claim 13, the combination of Obradovich, Knuth, and Igbinadolor teaches an audio broadcasting signal (col.2, 55-63, col.6, lines 26-33, it is obvious for a television to broadcast a digital signal).

Regarding claim 14, Obradovich teaches the data includes a graphic (fig. 7).

Regarding claim 15, the combination of Obradovich, Knuth, and Igbinadolor teaches an infrared transceiver (See Abstract, col.3, line 20 (since a remote control uses an infrared signal, thus the transceiver must have be an infrared)).

Regarding claim 16, Obradovich teaches the processor is configured to perform decoding and reformatting of the data (col.12, lines 50-60).

Regarding claim 18, the combination of Obradovich, Knuth, and Igbinadolor teaches the state defined in the memory for playing back the data is prior to a state of the device at the event of the fault (col. 4, lines 38-58 and col. 6, lines 55-67 of Knuth). Obradovich teaches the data includes a navigation sequence (fig. 6).

5. Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicants' arguments filed 01/14/2008, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "Knuth et. al., do not disclose, or suggest, an input device, which, when operate once, in the event of a fault, puts the device in a state defined in the memory for playing back the data". Examiner respectfully disagrees. Knuth teaches in the event of a fault (i.e., memory error event occurs), puts the device in a state defined in the memory for playing back the data (i.e., stopping performance of the continuous repetitive series and the device in a state defined in the memory for playing back the data such as enter a greeting play back event (col. 4, lines 38-58 and col. 6, line 55 to col. 7, line 14). The ground of the rejection is therefore maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER T. NGUYEN whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. T. N./
Examiner, Art Unit 2629
06/20/08

/Richard Hjerpe/
Supervisory Patent Examiner, Art Unit 2629